

1 **CARTEE, LC**

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7 Attorney for Plaintiffs:
8 Western Repacking, LLLP, and
9 The Thomas Colace Co. Inc.

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

12 WESTERN REPACKING, LLLP and
13 THE THOMAS COLACE CO. INC.,

14 Plaintiffs,
15 CASE NO.:
16 8:23-cv-00749-JVS-DFMx

17 - against -

18 NUTRITION CORP, INC. d/b/a
19 FRESH N LEAN.COM, NUTRITION
20 CORP HOLDCO, INC., THOMAS J.
21 ASSEO and LAUREEN E. ASSEO,

22 **NOTICE OF MOTION AND
23 MOTION FOR ENTRY OF
24 DEFAULT JUDGMENT**

25 Date: October 16, 2023
26 Time: 1:30 p.m.
27 Dept.: 10C

28 Defendants.

29 **TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF
30 RECORD:**

31 **PLEASE TAKE NOTICE THAT** on October 16, 2023, at 1:30 p.m.,
32 in Department 10C, of the US District Court of the Central District of California,
33 located at 411 W. 4th Street, Santa Ana, CA 92701, Plaintiffs Western Repacking,
34 LLLP and The Thomas Colace Co. Inc. (collectively, "Plaintiffs"), by and through
35 undersigned counsel, will and hereby does move this honorable Court for entry of

1 judgment by default against defendants Nutrition Corp, Inc. d/b/a Fresh N Lean.com,
2 Nutrition Corp Holdco, Inc., Thomas J. Asseo and Laureen E. Asseo, jointly and
3 severally, pursuant to Rule 55 of the Federal Rules of Civil Procedure and the
4 Perishable Agricultural Commodities Act, 7 U.S.C. 499a, *et seq.* In support of this
5 request, Plaintiffs respectfully refer this Court to the Memorandum of Law,
6 Declarations, and Exhibits submitted herewith.

7 WHEREFORE, Plaintiffs respectfully request entry of judgment by default
8 against defendants Nutrition Corp, Inc. d/b/a Fresh N Lean.com, Nutrition Corp
9 Holdco, Inc., Thomas J. Asseo and Laureen E. Asseo, jointly and severally, for their
10 failure to plead or otherwise defend this action as fully appears from the court file
11 herein, all pleadings filed in this action, and from the attached declarations of Plaintiffs'
12 representative and counsel as follows: (a) in favor of Western Repacking, LLLP in the
13 total amount of \$57,169.41, which includes the principal amount of \$45,369.70,
14 interest owed on that debt through September 8, 2023, in the amount of \$5,106.98,
15 attorneys' fees through September 8, 2023, in the amount of \$6,692.72, and costs in
16 the amount of \$1,721.50, plus additional accrued interest through and including the
17 date of entry of judgment at the rate of \$22.37 per day; and (b) in favor of The Thomas
18 Colace Co. Inc. in the total amount of \$6,078.44, which includes the principal amount
19 of \$4,862.40, interest owed on that debt through September 8, 2023, in the amount of
20 \$498.76, attorneys' fees through September 8, 2023, in the amount of \$717.28, and
21 costs in the amount of \$184.50, plus additional accrued interest through and including
22 the date of entry of judgment at the rate of \$2.40 per day; and that Plaintiffs be awarded
23 such other and further relief as the Court deems just and proper.

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3 Dated: September 15, 2023
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CARTEE, LC

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12 By: /s/ Anthony Cartee
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